IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5051 OF 2005

Dilip Rambachan Kannaujia. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri N.K.Sharma for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 17th August, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State. The case registered against the Applicant is under sections 376 and 506 of the Indian Penal Code. The learned Advocate for the Applicant submitted that the prosecution case is completely false and the medical report does not support the prosecution. He submitted that as the Applicant is in custody for last more than six months he is entitled to be enlarged on bail. The learned A.P.P. has brought on record relevant material against the Applicant.

2. The age of the prosecutrix is stated to be 8 to 9 years. The F.I.R. is filed by the prosecutrix herself. Considering the age of the prosecutrix, it cannot be said at this stage that there is a delay in filing the F.I.R. Considering the age of the prosecutrix and date on which the medical examination of the prosecutrix was

conducted at this stage no importance can be attached to the medical examination report of the prosecutrix. There is enough material on record to show complicity of the Applicant in the offence of heinous nature. No case is made out for enlarging the Applicant on bail.

3. Application is rejected. Considering the age of the Applicant, the trial Court will conclude the trial expeditiously.

Judge.